

HOUSE BILL 852

By Daniel

AN ACT to amend Tennessee Code Annotated, Title 4,  
Chapter 5, relative to burden of proof in contested  
case hearings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-5-301, is amended by adding the following language as a new subsection:

In a contested case hearing conducted under this part, that involves the denial or revocation of any occupational permit or license, an agency shall bear the burden of proving, by clear and convincing evidence, that the action taken by the agency was proper. In all other cases not involving the denial or revocation of an occupational permit or license, the burden of proof shall be a preponderance of evidence.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to all contested case hearings initiated on or after such date.